

SECTION 3.20

BR-4 RESORT BUSINESS

3.20.010

Definition.

The BR-4 district is intended for resort purposes and to provide for the development of medium and high density resort uses, including hotels, motels, resort condominiums and other similar uses oriented towards tourism and resort businesses. This district may also provide as allowed uses meeting rooms, convention facilities, bars, lounges and restaurants, and retail and commercial uses intended primarily for the guests of the facilities.

3.20.015

Acceptance of an application for BR-4 zoning will be contingent upon an overall development plan for the area requested being submitted for review. The overall development plan (ODP) may be a conceptual plan, which will address each of the following:

1. All such districts shall be served by community water and sewer systems.
2. A conceptual land use plan shall be developed showing the densities and uses assigned to each development pod; overall acreage; and the generalized location of the residential, commercial, recreational and other non-residential land uses. Such uses or categories of uses may include single-family, duplex, triplex, cluster housing, residential rentals, retail, food and beverage establishments, hotels and motels, mixed-use buildings, resort maintenance yards, parking facilities, open space and common areas, recreational areas for skiing, golfing, public and private beaches and other information that will establish the general pattern of development within the overall development plan.
3. The provision of utility services showing the general locations of the utilities and how service capacity will be addressed for water, sewer, gas, electric, and telephone utilities.
4. A map(s) showing the location of the project area and the existing and surrounding land uses; street systems, environmentally sensitive areas such as lakes, streams, rivers and wetlands, 100-year floodplain, steep slopes, topographical contours, and other significant physical features.
5. An environmental assessment shall be included, using the format required in the Flathead County Subdivision Regulations.
6. Identify routes and general locations for all arterial and collector systems associated with the development. The major traffic routes will be identified throughout the development and general locations of the collectors adjacent to the proposed commercial, recreational and residential uses. The actual location of the local streets within the development will be designed for conceptual purposes only and to identify access and egress points from the project.
7. Identify policies for parking, architectural themes and design characteristics of structures and signage associated with development within the overall development plan.

8. For developments whose build-out over a number of years is anticipated, the overall development plan will identify the proposed phasing of the project and provide a proposed schedule of phased development. This phasing plan for large-scale projects can be general and not necessarily time critical.
9. Outline the extent to which the Overall Development Plan departs from zoning and subdivision regulations otherwise applicable to the subject property.

3.20.017

Implementation of the Overall Development Plan.

1. Once the overall development plan has been adopted, it shall be considered zoning and shall serve as the guidelines for the development.
2. Development within a platted subdivision may include both permitted and ~~special~~-conditional uses provided those use categories are approved at the time of preliminary and final plat review and will require no additional review at the time of development.
3. Accessory uses and structures of a minor character such as, but not limited to, ticket offices, rest rooms, minor alteration and expansion of 25 percent in existing building and lift towers directly related to established recreational uses are permitted without review.
4. Development of permitted uses outside of a platted subdivision shall be reviewed for compliance with the overall development plan and zoning as follows:
 - A. The developer/applicant shall provide information to the Flathead County Planning & Zoning Office including a site plan and description of the project, which demonstrates that the project complies with the ODP and the zoning regulations.
 - B. The developer/applicant shall be notified in writing within one week of the receipt of the material whether or not the submitted information is complete. A written determination shall be given to the applicant within two weeks of submittal of the developer/applicant material whether or not the project is in conformance with the ODP and zoning regulations. If the project is found to be not in conformance with the ODP or zoning, it shall be specifically stated why the project does not comply.
5. Development of ~~special~~-conditional uses outside of a platted subdivision shall be reviewed for zoning compliance as follows:
 - A. The developer/applicant shall provide information to the planning office demonstrating that the project complies with the ODP and the Flathead County Zoning Regulations, as applicable, and addressing, as the criteria for review only, the factors set forth in Section 2.06.080 of the Flathead County Zoning Regulations.
 - B. The planning office shall review the information and schedule a public hearing before the appropriate planning board for their next regularly scheduled meeting.

Comment [EM19]: Changed 'special uses' to 'conditional uses' to be consistent with language throughout the regulations.

Comment [EM20]: Changed 'special uses' to 'conditional use' to be consistent with language throughout the regulations.

- C. The planning board shall hold a public hearing. Following the public hearing, the board will forward its recommendation to approve, approve with conditions, or reject the project to the County Commissioners.
- D. The County Commissioners shall hold a public hearing. Following the public hearing, the County Commissioners may approve with conditions or reject the project.

3.20.020

Permitted Uses (BR-4).

- 1. Accessory apartments.
- 2. Art gallery.
- 3. Bar, lounge and tavern.
- 4. Bed and breakfast establishment.
- 5. Casino as an accessory use to bar or tavern.
- 6. Cellular tower.
- 7. Church and other place of worship.
- 8. Clothing store.
- 9. Coffee shop, snack bar, bakery, candy shop, etc.
- 10. Convenience food store.
- 11. Curio shop.
- 12. Day care center.
- 13. Dwelling, resort: one through four-plex dwelling units such as resort and recreational condominiums, townhouses, time sharing and interval ownership residences or vacation units and other multiple ownership arrangement residential uses, allowing overnight accommodations and ancillary uses for the use of occupants and guests.
- 14. Educational and cultural facility such as museum, school, theater.
- 15. Financial institution.
- 16. Grocery store (maximum 3,000 square feet).
- 17. Health club.
- 18. Hotel and motel (including restaurants, lounges or bars integral to the facilities).
- 19. Laundromat.
- 20. Multi-use structure containing permitted uses.
- 21. Offices, public and private including but not limited to professional, medical, real estate, travel, government and post office.
- 22. Recreation facility, low-impact.
- 23. Recreational facility and accessory structures such as ski trails and lifts, hiking and biking trails, tennis, swimming pools, etc.
- 24. Repair facilities as an accessory use for the on-site maintenance and repair of resort rental equipment.
- 25. Restaurant, excluding drive-in/drive-through.
- 26. Retail sales service and rental of items of a minor character relating to the resort including but not limited to gift shops, clothing stores, photo labs, barber and beauty salons, boating supplies, ski equipment, sports equipment sales and rental. This does not include sales of major recreational vehicles, self-contained campers, boats, jet skis, or snow machines.

3.20.030

~~Special~~ Conditional Uses.

Comment [EM21]: Changed 'Special Uses' to 'Conditional Use' to be consistent with language throughout the regulations.

1. Boat launching ramp and dock.
2. Convention center and facility.
3. Dwelling: 5-plex or larger.
4. Emergency medical clinic and hospital.
5. Gas and automobile service station.
6. Golf course.
7. Marina (commercial).
8. Parking structure and open air commercial lot.
9. Recreational facility, high-impact.
10. Recreational vehicle park and campground.
11. Resort area equipment maintenance facilities.
12. Staff employee housing.
13. Transportation facility such as car rental, bus terminal and mass transit terminal.

3.20.040

Bulk and Dimensional Requirements (BR-4).

1. Minimum District Area: 10 acres.
2. Minimum Lot Area:
Single-family dwelling – 7,500 square feet.
Two family dwelling or larger – 2,000 square feet for each dwelling unit.
Condominium – Not applicable.
Non-residential – Not applicable.
3. Minimum Lot Width:
Single-family residential – 50 feet.
Townhouse sub-lots – 25 feet.
Condominium – Not applicable.
Non-residential – Not applicable.
4. Setbacks/Minimum Yard Requirements:
 - A. A 20-foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries.
 - B. Detached single-family and parent lots in residential areas:
Front: 20 feet.
Side: 5 feet each.
Side Corner: 15 feet.
Rear: 15 feet.
 - * Projects that are intended to be constructed as attached units on separate parcels are not required to comply with the yard requirements along the common wall.
 - C. Non-residential – None.

D. These minimum yard requirements also apply for non-residential uses when abutting a residential area or development pod.

E. Increase yard requirements as follows when property fronts:
County Road:* 20 feet.

* ~~Classified as a collector or major/minor arterial as defined in the County Master Plan or City County Master Plan~~ Classified as a county collector or MDT Maintenance as defined by the Flathead County Functional Road Classification Map.

Comment [EM22]: The Flathead County Functional Road Classification was adopted by the County on 3.14.13 and is the most up to date road classification in the County.

5. Maximum Height: 40 feet.
Mixed-use structures: 45 feet.
(structures directly related to recreation such as but not limited to ski lift towers and cables are exempt.)
6. Permitted Lot Coverage:
Detached single-family residential 45%.
Attached multi-unit residential 80%.
Non-residential – Not applicable.
7. Maximum Fence Height:
Front: 0 feet.
Side: 6 feet.
Rear: 6 feet.
8. Off-Street Parking: See Chapter VI – Parking and Loading.

Parking can be either supplied on the same site as the project, as part of a general parking area or structure or combination thereof by use of a shared or joint use parking agreement plan approved by the Board of County Commissioners.

2. Boat marinas
3. Docks for swimming
4. Changing facilities
5. Churches and other places of worship
6. Community center buildings (e.g., crafts, games)
7. Concessions (e.g., snack shack, vending machines, souvenirs)
8. Convention hall facilities
9. Dormitories and cabins (for both guests and employees)
10. Education facilities
11. Infant day care
12. Infirmaries
13. Kitchens and dining facilities
14. Laundry facilities
15. Maintenance and repair facilities
16. Offices for camp employees
17. Outdoor recreation, low impact and high impact facilities
18. Outdoor cooking facilities
19. Recreation vehicle parks and campgrounds (maximum 20 percent of the camp's area)
20. Restroom facilities
21. Sewage treatment facilities
22. Silvicultural uses
23. Camp equipment storage facilities (e.g., canoes, paddles, rafts, inner tubes, life vests)
24. Water extraction facilities

4.03.030 A camp or retreat center designation shall be restricted to the AG, SAG, R-2.5, and R-1 designations.

SECTION 4.04 CARETAKER'S FACILITY IN AG, SAG, AND R-1 DISTRICTS

4.04.010 A caretaker's facility is a dwelling, which is constructed and designed to provide living quarters for caretakers or servants, and is clearly subordinate to the principal ~~dwelling use~~ with regard to size and location. Caretaker's facilities are allowed as a conditional use in the AG-80, AG-40, AG-20, SAG-10, SAG-5, R-2.5, and R-1 districts subject to the following conditions:

1. The caretaker's facility shall be designed in such a manner that its use is clearly subordinate to the principal ~~dwelling use~~ with regard to size and location.
2. In SAG-5, R-2.5, and R-1 districts the parcel on which the caretaker's facility is located shall be double the size of the underlying district minimum lot size.
3. The dwelling shall not be rented or leased to someone other than a caretaker.
4. A restriction shall be placed on the deed and shall be recorded with the property which:
 - A. Prohibits the use of the caretaker's facility as a rental unit;

Comment [EM30]: It appears the intent is clearly that a caretaker's facility is subordinate to the principal use. It is logical to assume that there are principal uses other than principal dwelling that would need someone to caretake the property. For an airport, arena, church, recreational facility, school, etc could need a caretaker's facility.

Comment [EM31]: It appears the intent is clearly that a caretaker's facility is subordinate to the principal use. It is logical to assume that there are principal uses other than principal dwelling that would need someone to caretake the property. For an airport, arena, church, recreational facility, school, etc could need a caretaker's facility.

- B. Prohibits the separation of the caretaker's facility and the principal dwelling use without first receiving review and approval by the Board of County Commissioners; and
- C. Prohibits reducing the lot size below twice the density of the district.

Comment [EM32]: It appears the intent is clearly that a caretaker's facility is subordinate to the principal use. It is logical to assume that there are principal uses other than principal dwelling that would need someone to caretake the property. For an airport, arena, church, recreational facility, school, etc could need a caretaker's facility.

SECTION 4.05

CLUSTER HOUSING DEVELOPMENT IN RESIDENTIAL DISTRICTS (See Section 5.09 for Residential Clustering in AG & SAG Districts)

4.05.010

Cluster housing developments, with the exception of the RC-1 districts, shall be subject to the following:

1. Minimum area of the development shall be two (2) acres.
2. Types of buildings:
 - A. Within the R-2.5, R-1, R-2 and R-3 residential districts, only one-family detached dwellings shall be permitted;
 - B. Within the R-4 and R-5 residential districts, detached, semi-detached and attached dwellings shall be permitted.
3. The overall density of the cluster development shall not exceed the density allowed in the underlying district.
4. The minimum size of a lot of record within a cluster development shall be as follows:
 - A. The minimum size of a lot of record within the development for detached dwellings shall be at least 50 percent (50%) of the minimum area required per dwelling unit but not less than 4,500 square feet, provided that an area equal to the difference, if any, between the minimum area required per dwelling unit and the size of the lot of record actually provided shall be set aside as common open space.
 - B. The minimum lot size of a lot of record within the development for attached dwellings shall be 2,500 square feet for one dwelling unit and 5,000 square feet for two dwelling units. Attached dwellings shall not exceed eight (8) dwelling units in one building. The area equal to the difference, if any, between the minimum area required per dwelling unit and the size of the lot of record actually provided shall be set aside as common open space.
5. Yards abutting the boundaries of cluster developments shall conform to the minimum setback requirements for the district, provided that landscaped strips of at least ten (10) feet in width shall be maintained along the boundaries of the development. Such strips shall not be used as drives or for parking. Where groups of buildings in the development are other than perpendicular to a side or rear boundary of the cluster development and such boundary is not a street or alley, the setback adjacent to such boundary shall be thirty (30) feet and a ten (10) foot landscaped strip shall be maintained free from drives or parking.
6. The maximum lot coverage by all buildings, as specified for the district, shall be applied to the cluster development as a whole and not to individual lots of record within the cluster development.

- 7.04.025 Caretaker's Facility – A dwelling which is constructed and designed to provide living quarters for caretakers and/or property managers and is clearly subordinate to the principal ~~dwelling~~ use with regard to size and location.
- 7.04.030 Carport – A structure to house or protect motor vehicles which has at least 50% of the total area of its sides open to the weather.
- 7.04.040 Child Care Center – See “Day Care”.
- 7.04.050 Church – A building together with its accessory buildings and uses where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.
- 7.04.060 Clear Vision Triangle – An area at the intersection of two roads or a road and railroad tracks, created by measuring along both roadways to a point 40 feet from the point of intersection and connecting those two points to form a triangle.
- 7.04.070 Clinic – A building designed and used for the medical or similar examination and treatment of persons on an outpatient basis.
- 7.04.080 Club – An incorporated or unincorporated association of persons organized for social, fraternal, religious, athletic, educational, literary, or charitable purposes whose activities are confined to members and their guests and are not extended to the general public. Property occupied by a club shall be subject to the regulations governing public buildings and places.
- 7.04.090 Cluster – A pattern of residential development wherein units are grouped together around access courts with the remainder of the yard left as improved open space.
- 7.04.100 Commercial or Business Use – See “Business or Commercial Use”.
- 7.04.110 Common Wall – The wall or walls extending from the basement or ground floor line of a building to the roof along a side lot line that is shared with an adjoining lot.
- 7.04.115 Community Center Building – A building, structure, facility or use constructed and designed to serve a broad base community need and purpose. Community center buildings are intended to be used for recreational, social, educational, and cultural activities, open to the public, or a designated part of the public, owned and operated by a nonprofit group or agency. This definition specifically excludes any use, structure, building or facility that utilizes an on-premise alcohol consumption license.
- 7.04.120 Community Residential Facility – A community or group home, which may provide for skilled or intermediate nursing care for developmentally, mentally, or physically disabled persons. Such uses that would be covered by this term include, but are not limited to: A youth foster home, youth group home, a halfway house or an adult foster care home, a convalescent home, a family care home, a nursing home, retirement home, or personal care facility. The term does not include boarding houses and similar uses.

Comment [EM34]: It appears the intent is clearly that a caretaker's facility is subordinate to the principal use. It is logical to assume that there are principal uses other than principal dwelling that would need someone to caretake the property. For an airport, arena, church, recreational facility, school, etc could need a caretaker's facility.

These facilities must be operated in accordance with regulations and license requirements of the Department of Public Health and Human Services.

15. Landfill, sanitary for disposal of garbage and trash.
 16. Radio and television broadcast studio.
 17. Recreational facility, low-impact.
 18. Rifle range.
 19. School, primary and secondary.
 20. Temporary building or structure.*
 21. Water and sewage treatment plant.
 22. Water storage facility.
- *Administrative Conditional Use Permit (See Section 2.06.045)

3.04.040

Bulk and Dimensional Requirements (AG-80).

1. Minimum Lot Area: 80 acres
2. Minimum Lot Width:
Cul-de-sacs: 60 feet.
3. Setbacks:
 - A. Minimum Yard Requirements for Principal Structure: ***

Front:	20 feet.
Side:*	20 feet each.
Side Corner:**	20 feet.
Rear:	20 feet.
 - B. Detached Accessory Structures: ***

Front:	20 feet.
Side:*	5 feet each.
Side Corner:**	20 feet.
Rear:	5 feet.

* For non-conforming properties with lot widths of less than 150 feet, the side yard setback shall be 10 feet each. For non-conforming properties with lot widths of less than 50 feet, the side yard setback shall be 5 feet each.

** For non-conforming properties with lots with average widths of less than 200 feet, the side corner setback shall be 15 feet.

*** If the lot is in a subdivision created under the provisions of clustering in AG or SAG Districts (Section 5.09.030) setbacks of 40 feet from any other boundary of the "parent" tract or adjacent property(ies) is required.
 - C. A 20-foot setback is required from streams, rivers, and unprotected lakes, which do not serve as property boundaries.
 - D. Increase yard requirements as follows when property fronts: **

County Road:*	20 feet.
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* ~~Classified as a collector or major/minor arterial as defined in the County Master Plan or City County Master Plan~~ Classified as a county collector or MDT Maintenance as defined by the Flathead County Functional Road Classification Map.

** If the lot is in a subdivision created under the provisions of clustering in AG or SAG Districts (Section 5.09.030) a

Comment [EM4]: The Flathead County Functional Road Classification was adopted by the County on 3.14.13 and is the most up to date road classification in the County.

18. Radio and television broadcast studio.
19. Recreational facility, low-impact.
20. Rifle range.
21. School, primary and secondary.
22. Temporary building or structure.*
23. Water and sewage treatment plant.
24. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045)

3.05.040

Bulk and Dimensional Requirements (AG-40).

1. Minimum Lot Area: 40 acres
2. Minimum Lot Width:
Cul-de-sacs: 60 feet.
3. Setbacks:
 - A. Minimum Yard Requirements for Principal Structure: ***

Front:	20 feet.
Side:*	20 feet each.
Side Corner:**	20 feet.
Rear:	20 feet.
 - B. Detached Accessory Structures: ***

Front:	20 feet.
Side:*	5 feet each.
Side Corner:**	20 feet.
Rear:	5 feet.

* For non-conforming properties with lot widths of less than 150 feet, the side yard setback shall be 10 feet each. For non-conforming properties with lot widths of less than 50 feet, the side yard setback shall be 5 feet each.

** For non-conforming properties with lots with average widths of less than 200 feet, the side corner setback shall be 15 feet.

*** If the lot is in a subdivision created under the provisions of clustering in AG or SAG Districts (Section 5.09.030) setbacks of 40 feet from any other boundary of the "parent" tract or adjacent property(ies) is required.
 - C. A 20-foot setback is required from streams, rivers, and unprotected lakes which do not serve as property boundaries.
 - D. Increase yard requirements as follows when property fronts: **

County Road:*	20 feet.
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* ~~Classified as a collector or major/minor arterial as defined in the County Master Plan or City County Master Plan~~ Classified as a county collector or MDT Maintenance as defined by the Flathead County Functional Road Classification Map.

** If the lot is in a subdivision created under the provisions of clustering in AG or SAG Districts (Section 5.09.030) a

Comment [EM5]: The Flathead County Functional Road Classification was adopted by the County on 3.14.13 and is the most up to date road classification in the County.

18. Recreational facility, low-impact.
 19. School, primary and secondary.
 20. Temporary building or structure.*
 21. Water and sewage treatment plant.
 22. Water storage facility.
- *Administrative Conditional Use Permit (See Section 2.06.045)

3.06.040

Bulk and Dimensional Requirements (AG-20).

1. Minimum Lot Area: 20 acres
2. Minimum Lot Width:
Cul-de-sacs: 60 feet.
3. Setbacks:
 - A. Minimum Yard Requirements for Principal Structure: ***

Front:	20 feet.
Side:*	20 feet each.
Side Corner:**	20 feet.
Rear:	20 feet.
 - B. Detached Accessory Structures: ***

Front:	20 feet.
Side:*	5 feet each.
Side Corner:**	20 feet.
Rear:	5 feet.

* For non-conforming properties with lot widths of less than 150 feet, the side yard setback shall be 10 feet each. For non-conforming properties with lot widths of less than 50 feet, the side yard setback shall be 5 feet each.

** For non-conforming properties with lots with average widths of less than 200 feet, the side corner setback shall be 15 feet.

*** If the lot is in a subdivision created under the provisions of clustering in AG or SAG Districts (Section 5.09.030) setbacks of 40 feet from any other boundary of the "parent" tract or adjacent property(ies) is required.
 - C. A 20-foot setback is required from streams, rivers, and unprotected lakes which do not serve as property boundaries.
 - D. Increase yard requirements as follows when property fronts: **

County Road:*	20 feet.
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* ~~Classified as a collector or major/minor arterial as defined in the County Master Plan or City County Master Plan~~ Classified as a county collector or MDT Maintenance as defined by the Flathead County Functional Road Classification Map.

** If the lot is in a subdivision created under the provisions of clustering in AG or SAG Districts (Section 5.09.030) a minimum 100 foot setback from the boundary of a highway for all structures is required.

Comment [EM6]: The Flathead County Functional Road Classification was adopted by the County on 3.14.13 and is the most up to date road classification in the County.

* ~~Classified as a collector or major/minor arterial as defined in the County Master Plan or City County Master Plan~~ Classified as a county collector or MDT Maintenance as defined by the Flathead County Functional Road Classification Map.

** If the lot is in a subdivision created under the provisions of clustering in AG or SAG Districts (Section 5.09.030) a minimum 100 foot setback from the boundary of a highway for all structures is required.

Comment [EM7]: The Flathead County Functional Road Classification was adopted by the County on 3.14.13 and is the most up to date road classification in the County.

4. Maximum Height: 35 feet.
5. Permitted Lot Coverage: 25% (Residential Uses).
6. Maximum Fence Height (Residential Uses):
 - Front: 6 feet.
 - Side: 6 feet.
 - Rear: 6 feet.
7. Off-Street Parking: See Chapter VI – Parking and Loading.

- 20. Temporary building or structure.*
- 21. Water and sewage treatment plant.
- 22. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045)

**Administrative Conditional Use Permit, eight or fewer.

3.09.040

Bulk and Dimensional Requirements (R-1).

- 1. Minimum Lot Area: 1 acre.
- 2. Minimum Lot Width: 150 feet.
- Cul-de-Sacs: 60 feet.
- 3. Setbacks:
 - A. Minimum Yard Requirements for Principal Structure:
 - Front: 20 feet.
 - Side:* 20 feet each.
 - Side Corner: 20 feet.
 - Rear: 20 feet.
 - * For non-conforming properties with lot widths of less than 150 feet, the side yard setback shall be 10 feet each. For non-conforming properties with lot widths of less than 50 feet, the side yard setback shall be 5 feet each.
 - B. Detached Accessory Structures:
 - Front: 20 feet.
 - Side: 5 feet each.
 - Side Corner: 20 feet.
 - Rear: 5 feet.
 - C. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
 - D. Increase yard requirements as follows when property fronts:
 - County Road:* 20 feet.
 - * ~~Classified as a collector or major/minor arterial as defined in the County Master Plan or City County Master Plan~~ Classified as a county collector or MDT Maintenance as defined by the Flathead County Functional Road Classification Map.
- 4. Maximum Height:
 - Principal Structure: 35 feet.
 - Accessory Structure: 35 feet when the accessory building meets the principal building setback requirements; 18 feet when the

Comment [EM8]: The Flathead County Functional Road Classification was adopted by the County on 3.14.13 and is the most up to date road classification in the County.

3. Setbacks:

A. Minimum Yard Requirements for Principal Structure:

Front: 20 feet
Side: 10 feet each.
Side Corner: 20 feet.
Rear: 20 feet.

B. Detached Accessory Structures:

Front: 20 feet.
Side: 5 feet each.
Side Corner: 20 feet.
Rear: 5 feet.

C. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.

D. Increase yard requirements as follows when property fronts:
County Road:* 20 feet.

* ~~Classified as a collector or major/minor arterial as defined in the County Master Plan or City County Master Plan~~ Classified as a county collector or MDT Maintenance as defined by the Flathead County Functional Road Classification Map.

Comment [EM9]: The Flathead County Functional Road Classification was adopted by the County on 3.14.13 and is the most up to date road classification in the County.

4. Maximum Height:
Principal structure: 35 feet.
Accessory structure: 18 feet.

5. Permitted Lot Coverage: 30%.

6. Maximum Fence Height (Except as Otherwise Noted):
Front: 4 feet.
Side: 6 feet.
Rear: 6 feet.

7. Off-Street Parking: See Chapter VI – Parking and Loading.

3. Setbacks:

- A. Minimum Yard Requirements for Principal Structure:
 - Front: 20 feet
 - Side: 10 feet each.
 - Side Corner: 20 feet.
 - Rear: 20 feet.
- B. Detached Accessory Structures:
 - Front: 20 feet.
 - Side: 5 feet each.
 - Side Corner: 20 feet.
 - Rear: 5 feet.
- C. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
- D. Increase yard requirements as follows when property fronts:
 - County Road:* 20 feet.

* ~~Classified as a collector or major/minor arterial as defined in the County Master Plan or City County Master Plan~~ Classified as a county collector or MDT Maintenance as defined by the Flathead County Functional Road Classification Map.

Comment [EM10]: The Flathead County Functional Road Classification was adopted by the County on 3.14.13 and is the most up to date road classification in the County.

- 4. Maximum Height:
 - Principal structure: 35 feet.
 - Accessory structure: 18 feet.
- 5. Permitted Lot Coverage: 30%.
- 6. Maximum Fence Height (Except as Otherwise Noted):
 - Front: 4 feet.
 - Side: 6 feet.
 - Rear: 6 feet.
- 7. Off-Street Parking: See Chapter VI – Parking and Loading.

3. Setbacks:

A. Minimum Yard Requirements for Principal Structure:

Front: 20 feet
Side: 5 feet each.
Side Corner: 20 feet.
Rear: 20 feet.

B. Detached Accessory Structures:

Front: 20 feet.
Side: 5 feet each.
Side Corner: 20 feet.
Rear: 5 feet.

C. A 20-foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries.

D. Increase yard requirements as follows when property fronts:

County Road:* 20 feet.

*

~~Classified as a collector or major/minor arterial as defined in the County Master Plan or City County Master Plan~~ Classified as a county collector or MDT Maintenance as defined by the Flathead County Functional Road Classification Map.

Comment [EM11]: The Flathead County Functional Road Classification was adopted by the County on 3.14.13 and is the most up to date road classification in the County.

4. Maximum Height:

Principal structure: 35 feet.
Accessory structure: 18 feet.

5. Permitted Lot Coverage: 40%.

6. Maximum Fence Height (Except as Otherwise Noted):

Front: 4 feet.
Side: 6 feet.
Rear: 6 feet.

7. Off-Street Parking: See Chapter VI – Parking and Loading.

3. Setbacks:

A. Minimum Yard Requirements for Principal Structure:

Front:	20 feet
Side:	5 feet each.
Side Corner:	20 feet.
Rear:	20 feet.

B. Detached Accessory Structures:

Front:	20 feet.
Side:	5 feet each.
Side Corner:	20 feet.
Rear:	5 feet.

C. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.

D. Increase yard requirements as follows when property fronts:

County Road:*	20 feet.
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*

~~Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan~~ Classified as a county collector or MDT Maintenance as defined by the Flathead County Functional Road Classification Map.

Comment [EM12]: The Flathead County Functional Road Classification was adopted by the County on 3.14.13 and is the most up to date road classification in the County.

4. Maximum Height:

Principal structure:	35 feet.
Accessory structure:	18 feet.

5. Permitted Lot Coverage: 40%.

6. Maximum Fence Height (Except as Otherwise Noted):

Front:	4 feet.
Side:	6 feet.
Rear:	6 feet.

7. Off-Street Parking: See Chapter VI – Parking and Loading.

3.14.040

Bulk and Dimensional Requirements (RC-1).

1. Minimum Lot Area:
Minimum lot size when detached dwelling unit = 4,500 sq. ft.
Minimum lot size when attached dwelling unit = 2,500 sq. ft./unit.
Gross unit density must not exceed one du/acre.
2. Minimum Lot Width: 50 feet.
3. Setbacks:
 - A. Minimum Yard Requirements for Principal Structure:
Front: 20 feet
Side: 5 feet each.
Side Corner: 20 feet.
Rear: 20 feet.
 - B. Detached Accessory Structures:
Front: 20 feet.
Side: 5 feet each.
Side Corner: 20 feet.
Rear: 5 feet.
 - C. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
 - D. Increase yard requirements as follows when property fronts:
County Road: * 20 feet.

* ~~Classified as a collector or major/minor arterial as defined in the County Master Plan or City County Master Plan~~ Classified as a county collector or MDT Maintenance as defined by the Flathead County Functional Road Classification Map.
4. Maximum Height:
Principal structure: 35 feet.
Accessory structure: 15 feet.
5. Permitted Lot Coverage: 40%.
6. Maximum Fence Height (Except as Otherwise Noted):
Front: 4 feet.
Side: 6 feet.
Rear: 6 feet.
7. Off-Street Parking: See Chapter VI – Parking and Loading.

Comment [EM13]: The Flathead County Functional Road Classification was adopted by the County on 3.14.13 and is the most up to date road classification in the County.

22. School, primary and secondary.
 23. Temporary building or structure.*
 24. Water storage facility.
- *Administrative Conditional Use Permit (See Section 2.06.045).

**Administrative Conditional Use Permit, eight or fewer.

3.15.040

Bulk and Dimensional Requirements (RA-1).

1. Minimum Lot Area:
7,500 square feet.
1,500 square feet additional for each dwelling unit in excess of two.
2. Minimum Lot Width: 50 feet.
Sub Lot Minimum Width: 25 feet
3. Setbacks:
 - A. Minimum Yard Requirements for Principal Structure:

Front:	20 feet
Side:	5 feet each.
	15 feet for 3-plex or larger.
Side Corner:	20 feet.
Rear:	20 feet.
 - B. Detached Accessory Structures:

Front:	20 feet.
Side:	5 feet each.
Side Corner:	20 feet.
Rear:	5 feet.
 - C. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
 - D. Increase yard requirements as follows when property fronts:
County Road:* 20 feet.

* ~~Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan~~ Classified as a county collector or MDT Maintenance as defined by the Flathead County Functional Road Classification Map.

Comment [EM14]: The Flathead County Functional Road Classification was adopted by the County on 3.14.13 and is the most up to date road classification in the County.

4. Maximum Height:

Principal structure:	35 feet.
Accessory structure:	15 feet.
5. Permitted Lot Coverage: 35%.
6. Maximum Fence Height (Except as Otherwise Noted):

Front:	4 feet.
Side:	6 feet.
Rear:	6 feet.

- A. Minimum Yard Requirements:
- | | |
|--------------|--------------|
| Front: | 20 feet |
| Side: | 5 feet each. |
| Side Corner: | 20 feet. |
| Rear: | 15 feet. |
- B. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
- C. Increase yard requirements as follows when property fronts:
County Road:* 10 feet.

* ~~Classified as a collector or major/minor arterial as defined in the County Master Plan or City County Master Plan~~ Classified as a county collector or MDT Maintenance as defined by the Flathead County Functional Road Classification Map.

Comment [EM15]: The Flathead County Functional Road Classification was adopted by the County on 3.14.13 and is the most up to date road classification in the County.

5. Maximum Height: 35 feet.
6. Permitted Lot Coverage: 45%.
7. Maximum Fence Height (Except as Otherwise Noted):
- | | |
|--------|--|
| Front: | 8 feet.
(for security purposes only). |
| Side: | 6 feet. |
| Rear: | 6 feet. |
8. Off-Street Parking: See Chapter VI – Parking and Loading.

3.17.030

Conditional Uses (B-2).

1. Animal hospital, veterinary clinic.
2. Automobile repair shop.
3. College, business school, trade school, music conservatory, dance school.
4. Commercial caretaker's facility in a detached accessory building in conjunction with a business.*
5. Commercial recreation area.
6. Convention hall facility.
7. Electrical distribution station.
8. Golf driving range and putting course.
9. Mini-storage, RV storage.
10. Mortuary.
11. Tavern.
12. Temporary building or structure.*
13. Water storage facility.

**Administrative Conditional Use Permit (See Section 2.06.045).*

3.17.040

Bulk and Dimensional Requirements (B-2).

1. Minimum Lot Area: 7,500 square feet.
2. Minimum Lot Width: 50 feet.
3. Setbacks:
 - A. Minimum Yard Requirements:

Front:	20 feet
Side:	5 feet each.
Side Corner:	20 feet.
Rear:	15 feet.
 - B. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
 - C. Increase yard requirements as follows when property fronts:

County Road:*	10 feet.
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* ~~Classified as a collector or major/minor arterial as defined in the County Master Plan or City County Master Plan~~ Classified as a county collector or MDT Maintenance as defined by the Flathead County Functional Road Classification Map.

4. Maximum Height: 35 feet.
5. Permitted Lot Coverage: Not applicable.
6. Maximum Fence Height (Except as Otherwise Noted):

Front:	8 feet.
	(for security purposes only).
Side:	6 feet.
Rear:	6 feet.

Comment [EM16]: The Flathead County Functional Road Classification was adopted by the County on 3.14.13 and is the most up to date road classification in the County.

5. Dwelling, duplex and multi-family.
6. Dwelling, resort.
7. Dwellings in mixed-use building.
8. Electrical distribution station.
9. Health club.
10. Hotel, motel.
11. Lumber yard.
12. Quasi-public building, non-profit.
13. Recycling drop-off station.
14. Tavern.
15. Taxidermist.
16. Temporary building or structure.*
17. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045).

3.18.040

Bulk and Dimensional Requirements (B-3).

1. Minimum District Area: 5 acres.
2. Minimum Lot Area: Not applicable.
3. Minimum Lot Width: Not applicable.
4. Setbacks:
 - A. Minimum Yard Requirements:

Front:	20 feet
Side:	5 feet each.
Side Corner:	20 feet.
Rear:	15 feet.
 - B. A 20-foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries.
 - C. Increase yard requirements as follows when property fronts:

County Road:*	10 feet.
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* ~~Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan~~ Classified as a county collector or MDT Maintenance as defined by the Flathead County Functional Road Classification Map.

5. Maximum Height: 35 feet.
6. Permitted Lot Coverage: Not applicable.
7. Maximum Fence Height (Except as Otherwise Noted):

Front:	8 feet. (for security purposes only).
Side:	6 feet.
Rear:	6 feet.

Comment [EM17]: The Flathead County Functional Road Classification was adopted by the County on 3.14.13 and is the most up to date road classification in the County.

*

~~Classified as a collector or major/minor arterial as defined in the County Master Plan or City County Master Plan~~ Classified as a county collector or MDT Maintenance as defined by the [Flathead County Functional Road Classification Map](#).

Comment [EM18]: The Flathead County Functional Road Classification was adopted by the County on 3.14.13 and is the most up to date road classification in the County.

5. Maximum Height: 35 feet.
6. Permitted Lot Coverage: 10%.
7. Maximum Fence Height:
 - Front: 6 feet.
 - Side: 6 feet.
 - Rear: 6 feet.
8. Off-Street Parking: See Chapter VI – Parking and Loading.
9. Density:

Low density in BR-2 shall allow for up to 200 guests accommodated in housekeeping on the site. To enhance a cabin camp, a small resort setting as the BR-2 is intended, no more than 30% of the total accommodations allowed on the site shall be in any one building.

- D. These minimum yard requirements also apply for non-residential uses when abutting a residential area or development pod.
- E. Increase yard requirements as follows when property fronts:
County Road:* 20 feet.

* ~~Classified as a collector or major/minor arterial as defined in the County Master Plan or City County Master Plan~~ Classified as a county collector or MDT Maintenance as defined by the Flathead County Functional Road Classification Map.

Comment [EM22]: The Flathead County Functional Road Classification was adopted by the County on 3.14.13 and is the most up to date road classification in the County.

- 5. Maximum Height: 40 feet.
Mixed-use structures: 45 feet.
(structures directly related to recreation such as but not limited to ski lift towers and cables are exempt.)
- 6. Permitted Lot Coverage:
Detached single-family residential 45%.
Attached multi-unit residential 80%.
Non-residential – Not applicable.
- 7. Maximum Fence Height:
Front: 0 feet.
Side: 6 feet.
Rear: 6 feet.
- 8. Off-Street Parking: See Chapter VI – Parking and Loading.

Parking can be either supplied on the same site as the project, as part of a general parking area or structure or combination thereof by use of a shared or joint use parking agreement plan approved by the Board of County Commissioners.

5. Golf course.
6. Recreational facility, high-impact.
7. Recreational vehicle park and campground (2 acre minimum size).
8. School, public and private.
9. Zoo.

3.21.040

Bulk and Dimensional Requirements (B-5).

1. Minimum District Size: 5 acres.
2. Minimum Lot Area: 7,500 square feet.
3. Minimum Lot Width: 50 feet.
4. Setbacks:
 - A. Minimum Yard Requirements:

Front:	15 feet.
Side:	5 feet.
Side Corner:	15 feet.
Rear:	15 feet.
 - B. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
 - C. Increase yard requirements as follows when property fronts:

County Road:*	20 feet.
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* ~~Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan~~ Classified as a county collector or MDT Maintenance as defined by the Flathead County Functional Road Classification Map.

Comment [EM23]: The Flathead County Functional Road Classification was adopted by the County on 3.14.13 and is the most up to date road classification in the County.

5. Maximum Height: 35 feet.
6. Permitted Lot Coverage: Not applicable.
7. Maximum Fence Height:

Front:	3 feet.
Side:	6 feet.
Rear:	6 feet.
8. Off-Street Parking: See Chapter VI – Parking and Loading.

- B. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
- C. Increase yard requirements as follows when property fronts:
County Road:* 20 feet.

* ~~Classified as a collector or major/minor arterial as defined in the County Master Plan or City County Master Plan~~ Classified as a county collector or MDT Maintenance as defined by the Flathead County Functional Road Classification Map.

Comment [EM24]: The Flathead County Functional Road Classification was adopted by the County on 3.14.13 and is the most up to date road classification in the County.

5. Maximum Height: 35 feet.
6. Permitted Lot Coverage: Not applicable.
7. Maximum Fence Height:
Front: 3 feet.
Side: 6 feet.
Rear: 6 feet.
8. Off-Street Parking: See Chapter VI – Parking and Loading.

3.27.040

*Administrative Conditional Use Permit (See Section 2.06.045)
Bulk and Dimensional Requirements (I-1).

1. Minimum Lot Area: 7,500 sq. ft.
2. Minimum Lot Width: 75 feet.
3. Setbacks:
 - A. Minimum Yard Requirements:

Front:	20 feet.
Side:	10 feet each.
Side Corner:	20 feet.
Rear:	20 feet.
 - B. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
 - C. Increase yard requirements as follows when property fronts:

County Road:*	20 feet.
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4. Maximum Height: 40 feet.
5. Permitted Lot Coverage: Not applicable.
6. Maximum Fence Height:

Front:	10 feet.
Side:	10 feet.
Rear:	10 feet.
7. Off-Street Parking: See Chapter VI-Parking and Loading.

* ~~Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan~~ Classified as a county collector or MDT Maintenance as defined by the Flathead County Functional Road Classification Map.

Comment [EM25]: The Flathead County Functional Road Classification was adopted by the County on 3.14.13 and is the most up to date road classification in the County.

2. Minimum Lot Width: 75 feet.
 3. Setbacks:
 - A. Minimum Yard Requirements:

Front:	20 feet.
Side:	10 feet each.
Side Corner:	20 feet.
Rear:	20 feet.
 - B. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
 - C. Increase yard requirements as follows when property fronts:

County Road:*	20 feet.
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- * ~~Classified as a collector or major/minor arterial as defined in the County Master Plan or City County Master Plan~~ Classified as a county collector or MDT Maintenance as defined by the Flathead County Functional Road Classification Map.

Comment [EM26]: The Flathead County Functional Road Classification was adopted by the County on 3.14.13 and is the most up to date road classification in the County.

4. Maximum Height: 60 feet.
5. Permitted Lot Coverage: Not applicable.
6. Maximum Fence Height:

Front:	10 feet.
Side:	10 feet.
Rear:	10 feet.
7. Off-Street Parking: See Chapter VI-Parking and Loading.

3.30.040

Bulk and Dimensional Requirements (P).

1. Minimum Lot Area: Not applicable.
2. Minimum Lot Width: Not applicable.
3. Setbacks:
 - A. Minimum Yard Requirements:

Front:	20 feet.
Side:	5 feet each.
Side Corner:	20 feet.
Rear:	20 feet.
 - B. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
 - C. Increase yard requirements as follows when property fronts:

County Road:*	20 feet.
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- * ~~Classified as a collector or major/minor arterial as defined in the County Master Plan or City County Master Plan~~ Classified as a county collector or MDT Maintenance as defined by the Flathead County Functional Road Classification Map.
4. Maximum Height: Not applicable.
5. Permitted Lot Coverage: 45%.
6. Maximum Fence Height (Except as Otherwise Noted):

Front:	10 feet.
Side:	10 feet.
Rear:	10 feet.
7. Off-Street Parking: See Chapter VI-Parking and Loading.

Comment [EM27]: The Flathead County Functional Road Classification was adopted by the County on 3.14.13 and is the most up to date road classification in the County.

CHAPTER I

GENERAL PROVISIONS

SECTION 1.01 TITLE

- 1.01.010 These regulations and the accompanying map(s) shall be known as, and shall be cited and referred to as, the “Flathead County Zoning Regulations” in accordance with and exercising the authority of Section 76-2-201, M.C.A.

SECTION 1.02 PURPOSE

- 1.02.010 The purpose of these regulations is to promote the health, safety, and general welfare of the community; to conserve natural resources; to provide adequate accommodations for transportation of people and goods; to provide adequate light and air; to facilitate the provisions for public works requirements such as water, sewer, and environmental needs; to ensure orderly development according to the ~~Master Plan~~ Growth Policy adopted for all or parts of Flathead County; to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentages of a lot that may be covered by impervious surfaces, the size of yards and other open spaces, the location and use of buildings, structures, and land for trade, industry, residences, and/or other uses; and the protection of the aesthetic resources of Flathead County.

Comment [EM1]: The Flathead County Growth Policy has replaced the Flathead County Master Plan.

SECTION 1.03 SEVERABILITY

- 1.03.010 If any provision of these regulations is held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of these regulations are declared to be severable.

SECTION 1.04 SCOPE

- 1.04.010 It is not intended for these regulations to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances, or resolutions, except those specifically repealed by the adoption of these regulations, or with restrictive covenants running with the land to which the Board of County Commissioners is a party. Where these regulations impose a greater restriction on land, buildings, or structures than is imposed or required by such existing provisions of law, ordinance, resolution, contract, or deed, the provisions of these regulations shall control.
- 1.04.020 The growth policy and neighborhood plans are not regulatory and do not confer any authority to regulate. The growth policy and neighborhood plans are intended to provide direction and guidance when consideration is given to adopting, amending, and interpreting zoning regulations.
- 1.04.030 When a proposed amendment to the zoning designations of Flathead County falls within the jurisdiction of the City-County Planning Board of an incorporated city, the City-County Planning Board shall have the authority to review the request and make a recommendation to the Board of County Commissioners for a final determination.
- 1.04.040 These regulations may be applied throughout the County, regardless of planning jurisdictions, wherever a County zoning district is created.

13. Refer to the Planning Board for placement of all uses not categorically permitted and not sufficiently similar to listed uses for the Zoning Administrator to administratively declare them allowable.

SECTION 2.02 PLANNING BOARD

- 2.02.010 The Planning Board for Flathead County shall be known as the “Flathead County Planning Board: and may be referred to as the “Planning Board” (Section 76-1-101, M.C.A.)
- 2.02.020 The membership of the Planning Board shall consist of nine (9) members representative of the Board’s jurisdiction with terms, status and appointments as set forth in Section 76-1-211 and 212, M.C.A.
- 2.02.030 The members of the Planning Board shall serve without compensation, other than reimbursement for approved budgeted expenditures incurred in carrying out the functions of the Planning Board.
- 2.02.040 It shall be the duty of the Planning Board to hold public hearings and to make recommendations to the Board of County Commissioners on all matters relating to the creation and amendment of the ~~Master Plan~~ Growth Policy; the creation of zoning districts and the regulations to be enforced therein; amendments to the zoning districts of Flathead County; and future amendments to these regulations; (Section 76-1-106, M.C.A.) The Planning Board is also authorized to confer with and advise other City, County, Regional, or State planning and/or zoning commissions.
- Refer also to Section 2.08.050.
- 2.02.050 The jurisdiction of the Flathead County Planning Board for the review of the creation of new zoning districts and the re-zoning of existing zoning districts shall be made up of those areas outside of the planning jurisdictions of the incorporated cities of Flathead County.

Comment [EM2]: The Flathead County Growth Policy has replaced the Flathead County Master Plan.

SECTION 2.03 BOARD OF ADJUSTMENT

- 2.03.010 There is hereby created a “Board of Adjustment”.
- 2.03.020 The Board of Adjustment shall consist of five members appointed by the Board of County Commissioners.
- 2.03.030 Board members shall serve without compensation, other than reimbursement for approved budgeted expenditures incurred in carrying out the functions of the Board.
- 2.03.040 Board members shall be appointed for a term of 2 years. The powers, duties, and terms of office, including hearing appeals, variances, and Conditional Use Permits are set forth in Section 76-2-221 through 76-2-228, M.C.A., and any supplemental Rules of Procedure adopted by the Flathead County Board of Adjustment.

CHAPTER III

ESTABLISHMENT AND DEFINITION OF DISTRICTS

SECTION 3.01

USE DISTRICTS

3.01.010

Intent

These zoning regulations are adopted with the purpose and intent of:

1. Implementing and promoting the Flathead County ~~Master Plan~~ Growth Policy;
2. Lessening congestion in the streets;
3. Securing safety from fire, panic, and other dangers;
4. Promoting health and the general welfare;
5. Providing adequate light and air;
6. Preventing the overcrowding of land;
7. Avoiding undue concentration of population;
8. Facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
9. Giving reasonable consideration to the character of the district;
10. Giving reasonable consideration to the peculiar suitability of the property for particular uses;
11. Conserving the value of buildings;
12. Encouraging the most appropriate use of land; and,
13. Protecting the aesthetic resources of the County.

Comment [EM3]: The Flathead County Growth Policy has replaced the Flathead County Master Plan.

3.01.020

For the purpose of applying these regulations to the zoned areas of Flathead County, said areas are hereby divided into the following use districts:

District	Title	Minimum Lot Size
AG-80	Agricultural	80 acres
AG-40	Agricultural	40 acres
AG-20	Agricultural	20 acres
SAG-10	Suburban Agricultural	10 acres
SAG-5	Suburban Agricultural	5 acres
R-2.5	Rural Residential	2.5 acres
R-1	Suburban Residential	1 acre
R-2	One-Family Limited Residential	20,000 sq. ft.
R-3	One-Family Residential	10,000 sq. ft.
R-4	Two-Family Residential:	
	Single-family	6,000 sq. ft.
	Duplex	7,500 sq. ft.
R-5	Two-Family Residential	5,400 sq. ft.
RC-1	Residential Cluster	Max. Density
		1 du/acre
	Detached Dwelling Unit	4,500 sq. ft.
	Attached Dwelling Unit	2,500 sq. ft.
RA-1	Residential Apartment	7,500 sq. ft.
B-1	Neighborhood Business	7,500 sq. ft.
B-2	General Business	7,500 sq. ft.
B-2HG	General Business Highway Greenbelt	See Section 3.44

including the area of streets. Lands in such districts may be divided into streets, but shall be so located, dimensioned and arranged as to permit unified planning and development, to meet all requirements for PUD districts, and to provide adequate protection for uses within the district and in surrounding areas.

3. Establishment of PUD Districts

The following locational criteria shall govern the type of planned unit developments that may be reviewed and approved by the County Commissioners:

A. Residential PUD Districts:

Residential PUD districts can be established only in R-1 through R-5, RA-1, R-2.5, SAG-5, SAG-10, AG-20 or LS use districts, or in any area designated as “residential” in the Flathead County ~~Master Plan~~ Growth Policy.

Comment [EM28]: The Flathead County Growth Policy has replaced the Flathead County Master Plan.

B. Commercial PUD Districts:

A commercial PUD district may be established in B-2 through B-5 districts.

C. Industrial PUD Districts:

An industrial PUD may be established in I-1, I-1H and I-2 districts.

D. Marina PUD Districts:

A marina PUD may be established in:
R-4, R-5, RC-1, RA-1, B-2, B-2HG, B-3 CVR, I-1, I-1H, I-2, P and LS.

E. Mixed-use PUD Districts:

Based on a site plan review, and after establishing compatibility with the adjoining land uses and determining that the adverse environmental impacts shall only be minimal, the County Commissioners may allow a Mixed-use PUD in any district which qualifies for a Residential, Commercial, or Industrial PUD.

4. Use Regulations

The following regulations shall apply to permitted uses and densities in various types of Planned Unit Developments:

A. Residential PUD District:

Within a Residential PUD District, the uses and structures permitted or conditionally permitted in the underlying R-1, R-2, R-2.5, R-3, R-4, R-5, and RA-1 districts shall be allowed. Residential dwelling unit densities within a proposed Residential PUD District shall be as follows:

3.39.100

Variance Review Process

Where these regulations create an undue hardship, a variance to these regulations may be applied for as provided in Section 2.05, Flathead County Zoning Ordinance. Prior to action on the variance request by the Flathead County Board of Adjustment, the Flathead County Planning & Zoning Office shall forward the request to all members of the LaBrant-Lindsey Lane Land Use Advisory Committee and to all adjoining property owners within 150 feet of the site. The Committee shall hold a public meeting and make a recommendation based on findings as provided for in Section 2.05.030 of the County Zoning Ordinance. Said findings include, among other things, that reasonable use of the property is limited without the variance, the hardship is caused by lot size, shape or topography which the owner has no control over, the hardship is not self created, is not merely economic, it will not adversely affect neighboring properties and it will not confer a special privilege to the owner if granted.

3.39.110

Relationship of These Regulations to Other County Regulations

1. The LaBrant-Lindsey Lane Development Standards are intended to be adopted as a zoning district, either by reference, or by direct insert, into the Flathead County Zoning Regulations. As such, the existing administrative structure, the Flathead County Planning Board, Flathead County Board of Adjustment and Board of County Commissioners shall have established responsibilities for ensuring the proper administration of these regulations.
2. The LaBrant-Lindsey Lane Development Code is based on the LaBrant-Lindsey Lane Neighborhood Plan, which has been adopted as an addendum to the Flathead County ~~Master Plan~~ Growth Policy. The Neighborhood Plan and Development Code provide the more specific detail and guidance for the Neighborhood in land use issues.

Comment [EM29]: The Flathead County Growth Policy has replaced the Flathead County Master Plan.

3.39.120

Definitions

1. **GUEST HOUSE:** A detached structure being accessory to a single-family dwelling and limited to a maximum of two bedrooms.
2. **HOME-BASED BUSINESS:** A home occupation that proposes any of the following: a) employs more than one non-resident employee; b) that uses outbuildings (detached garage, shed, barn, shop, etc.) for principal business activity; c) or in the case of a home-based service business, where the business sells products that are directly related to the service provided (for example, a small engine repair business that sells spark plugs, filters, oil or other parts associated with a repair). (See Home Occupation definition below.)
3. **HOME OCCUPATION:** Any business conducted entirely within a dwelling and carried on by the members of the family and up to one non-resident employee, which is clearly incidental and secondary to the dwelling for dwelling purposes, does not utilize unscreened outdoor storage and does not change the character of the dwelling or neighborhood.
4. **MANUFACTURED HOME:** Housing built on a chassis designed and constructed for transportation to a site for installation and use when connected to required utilities. Also referred to as “mobile home” or “modular home”.

2. Hotels, office buildings, hospitals or similar institutions, auditoriums or similar places of public assembly:

Square feet or aggregate gross floor area	Required number of spaces
Up to 59,999	1
60,000 to 89,999	2
90,000 to 119,999	3
Each additional 60,000	1 additional

SECTION 6.16 STREET AND ROADWAY STANDARDS

6.16.010 Access to businesses, service stations, roadside stands, public parking lots and all other businesses requiring motor vehicle access shall meet the requirements as hereinafter provided or as ~~prescribed by~~applicable of the ~~Approach Standards for Montana Highways~~Montana Department of Transportation or Flathead County Road and Bridge Department (whichever requirements are greater).

Comment [EM33]: Currently references a highway standard, but access may not be off a highway. This change simplifies by referencing both possible agencies (state and county) and still abiding by zoning standards as applicable.

6.16.020 Access shall be controlled as follows:

1. Access shall be by not more than two (2) roadways for each 100 feet, or fraction thereof, frontage on any street.
2. No two (2) of said roadways shall be closer to each other than 12 feet on the same parcel, and no roadway shall be closer to a side property line than 2 feet. (See Section 6.13.030 for when a parcel may have two access points.)
3. Each roadway shall be not more than 36 feet in width measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way. No roadway shall be less than 10 feet wide for one-way traffic or 20 feet wide for two-way traffic.
4. All accesses onto County roads shall have been approved by the County Road Department with the issuance of an encroachment permit. Such permits shall be obtained prior to the construction and/or use of such access.

6.16.030 On a corner lot, no roadway shall be closer than 20 feet to the point of intersection of two property lines at any corner as measured along the property line, and no roadway shall extend across such extended property line.

6.16.040 In all cases where there is an existing curb or gutter or sidewalk on the street, the applicant for an encroachment permit shall provide a safety island along the entire frontage of the property, except for the permitted roadways. On the two ends and street side of each such island shall be constructed a concrete curb, the height, location and structural specifications of which shall be approved by the Building Inspector or Zoning Administrator.

6.16.050 A safety barrier shall be established along the property line to limit access to and from the property when no curb and gutter exist. A sidewalk, curb, and gutter system may also be constructed.